

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

VASUDEVAN SOFTWARE, INC.,

No. 11-cv-06638 RS

Plaintiff,

ORDER ON PENDING MOTIONS

v.

TIBCO SOFTWARE, INC.,

Defendant.

The parties have stipulated, in light of the Claim Construction Clarification Order (Dkt. 326), that the accused products of defendant TIBCO Software, Inc. (TIBCO) do not infringe the asserted claims of the U.S. patent number 7,167,864 (the '864 patent) owned by defendant Vasudevan Software, Inc. (VSi). *See* Dkt. 238. In light of the stipulation, summary judgment of non-infringement is hereby entered in favor of TIBCO and against VSi.

A number of motions are currently pending in this case. By separate concurrently filed order, summary judgment of invalidity is also entered in favor of TIBCO and against VSi. That order denies VSi's Motion to Strike TIBCO's Motion for Summary Judgment, Dkt. 131, denies TIBCO's Motion for Summary Judgment of Invalidity for Lack of Written Description and Enablement, Dkt. 127 (relating to the "access codes" security features), denies TIBCO's Motion for Summary Judgment of Invalidity for Obviousness, Dkt. 160, and grants TIBCO's Motion for

1 Summary Judgment of Invalidity for Lack of Written Description and Enablement Regarding
2 "Disparate [] Databases," Dkt. 155.

3 Furthermore, the following motions are hereby denied without prejudice in the event of any
4 remand:

- 5 • VSi's Motion for Summary Judgment of No Inequitable Conduct, Dkt. 150.
- 6 • VSi's Motion for Summary Judgment on TIBCO's Laches Defense, Dkt. 158.
- 7 • VSi's Motion to Exclude TIBCO's Experts' Opinions Regarding Disparate
8 Databases, Dkt. 152.
- 9 • VSi's Motion to Exclude TIBCO's Experts' Damages Calculation, Design-Around
10 Opinions and Relative Size Opinions, Dkt. 163.
- 11 • TIBCO's Motion for Summary Judgment of Non-Infringement, Dkt. 167.
- 12 • TIBCO's Motion to Strike and Exclude Opinions of VSi's Experts Regarding
13 Disparate Databases, Dkt. 157.
- 14 • TIBCO's Motion to Strike the Expert Reports and Exclude the Testimony of James
15 Nawrocki, Dkt. 164.

16 All pending administrative motions to seal will be terminated without prejudice to being refiled at a
17 later time. This will not result in the filing of any provisionally sealed documents in the public
18 record.

19 IT IS SO ORDERED.

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21 Dated: 10/17/13


22 RICHARD SEEBORG
23 UNITED STATES DISTRICT JUDGE
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